

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) 03 MDL No. 1570 (RCC)  
ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT  
IN SUPPORT OF DEFENDANT SHEIKH SALMAN AL-OADAH'S  
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Salman Al-Oadah. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Al-Oadah's motion to dismiss (Apr. 8, 2004), and his reply brief submitted in support of his motion to dismiss (July 23, 2004):

1. Exhibit 1 to Mr. Al-Oadah's motion to dismiss is a copy of the Declaration of Sheikh Salman Al-Oadah (March 31, 2004), and authenticated translation, with the Declaration of Bassim Alim (April 4, 2004) thereto.

2. Exhibit 2 to Mr. Al-Oadah's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to Mr. Al-Oadah's reply brief is a copy of "Plaintiffs' Motion for Extension of Time for Service of Process and for Leave to Serve Certain Listed Defendants by Publication Pursuant to Federal Rule 4(f)" (Mar. 24, 2003), as filed with the U.S. District Court

for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616 (JR) (*Burnett* D.D.C. Docket No. 95).

4. Exhibit 2 to Mr. Al-Oadah's reply brief is a copy of Judge Robertson's Order (Mar. 25, 2003), as filed with the U.S. District Court for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616 (JR) (*Burnett* D.D.C.).

5. Exhibit 3 to Mr. Al-Oadah's reply brief is the altered version of plaintiffs' March 24, 2003 motion for leave to serve by publication, as submitted by plaintiffs to this Court on June 30, 2004, and was filed with this Court as Exhibit 4 to "Plaintiffs' Memorandum of Law in Opposition to Motions to Dismiss of Defendant Shahir A. Batterjee" (June 30, 2004) (Docket No. 276).

6. Exhibit 4 to Mr. Al-Oadah's reply brief is a copy of "Plaintiffs' Second Addition and Removal of Defendants Pursuant to Case Management Order No. 1 and Federal Rule of Civil Procedure 15(d)" (May 2, 2003), as filed with the U.S. District Court for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616 (JR) (*Burnett* D.D.C. Docket No. 139).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 23, 2004.

/s/ Alan R. Kabat

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ALAN R. KABAT